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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/796,438	03/08/2004	Carl J. Conforti	003/008	1808

7590  
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01/28/2008

EXAMINER
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PASCUA, JES F

ART UNIT	PAPER NUMBER
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3782

MAIL DATE	DELIVERY MODE
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01/28/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10796438	3/8/2004	CONFORTI, CARL J.	003/008

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ART UNIT

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20080123

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Commissioner for Patents

The amendment filed on 11/05/2007 amending claims drawn to the elected invention and presenting only claims drawn to a non-elected invention is non-responsive (MPEP § 821.03). The remaining claims are not readable on the elected invention because: Original claims 7-12 were solely directed to an odor-containment apparatus comprising a body and self-sealing sleeve (i.e., a bag as shown in applicant's Figs. 20A-20C). Amended claims 7-11 now require a body and self-sealing sleeve contained within and closable by a receptacle (i.e., a combination of a bag within a receptacle as shown in applicant's Fig. 1). New claims 23-30 recite a first "symmetrically shaped body", a second body and self-sealing end (the Examiner considers these claims directed to another combination of a bag within a receptacle). Amended claims 7-11 and new 23-30 and original claims 7-12 are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed in amended claims 7-11 and new claims 23-30 does not require the particulars of the subcombination of original claims 7-12 because the sleeve of amended claims 7-11 does not require the sleeve to be configured to detach from itself and reattach to itself as in original claims 7-12. New claims 23-30 do not require the sleeve as set forth in original claims 7-12. The subcombination of original claims 7-12 has separate utility such as a liquid beverage storage bag where the beverage may be retrieved by a straw inserted through the sleeve.

Since the above-mentioned amendment appears to be a *bona fide* attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply a correction to the claims in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

A proper correction to the claims would include the deletion of features directed to the receptacle in amended claims 7-11, the "symmetrically shaped body" of new claims 23-26 and the "body like chamber...having a receptacle" of new claims 27-30.

Jes F. Pascua  
Primary Examiner  
Art Unit: 3782